**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELATE CIVIL JURISDICTION**

**WRIT PETITION NO.445 OF 1999**

Shivaji S. Jamdade ..Petitioner
Vs.
State of Maharashtra & Ors. ..Respondents

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Mr.P.A.Pol for Petitioner
Mr.R.M.Patne, A.G.P. for Respondent Nos.1 to 4
Mr. Ashok Toraskar for Respondent No.5

**CORAM: F.I. REBELLO &**
**S.P. KUKDAY, JJ.**
**DATE: 21ST APRIL, 2005.**

**P.C.**

. The Petitioner had applied for a fair price shop, pursuant to applications being invited. The Collector by his order dated 12th November, 1998, considered the various applications and the order of priority. The application of the Consumer Society though eligible was not considered as they were running a shop. Under the head of Scheduled Caste/ Scheduled Tribe there were five applications. On consideration of the said applications, Respondent No.5 was held eligible and accordingly the Rationing Shop was allotted in favour of Respondent No.5.

2. The Petitioner aggrieved preferred a revision before the Deputy Commissioner. The Deputy Commissioner considered the case of the Petitioner and Respondent No.5. The Commissioner found that the Petitioner falls in category B-6 whereas the

Respondent No.5 falls in B-4. She otherwise satisfied the requirements and accordingly dismissed the Revision Application. That is the subject matter of the present Petition.

. It appears that interim relief was granted which at the time of admission was vacated on 7th December, 1998.

3. We have considered the contentions urged in the Petition. These are purely findings of fact. Both the Rationing Officer and the Revisional Authority have considered the order of priority and accordingly allotted the shop in favour of the Respondent No.5 We do not find that the said orders suffers from any arbitrariness or non-consideration of relevant material.

. In the light of that Rule discharged. No order as to costs.

**(F.I.REBELLO,J.)**

**(S.P. KUKDAY,J.)**